

**STATE OF SOUTH CAROLINA**

South Carolina Electric & Gas Company – Request to  
sub-divide real property

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**COVER SHEET**

**DOCKET**

**NUMBER: 2009 - \_\_\_\_ - E**

(Please type or print)

**Submitted by:** K. Chad Burgess

**SC Bar Number:** 69456

**Address:** SCANA Corp.  
1426 Main Street MC 130  
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**Other:** \_\_\_\_\_

**Email:** chad.burgess@scana.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)

☐ **Emergency Relief demanded in petition**      ☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:** \_\_\_\_\_

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input checked="" type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	



January 30, 2009

**VIA ELECTRONIC FILING**

The Honorable Charles Terreni  
Chief Clerk/Administrator  
**South Carolina Public Service Commission**  
101 Executive Center Drive (29210)  
Post Office Drawer 11649  
Columbia, South Carolina 29211

RE: South Carolina Electric & Gas Company  
Request to sub-divide real property

Dear Mr. Terreni:

By Order No. 2008-127, dated April 4, 2008, issued in Docket No. 2008-18-E, the Public Service Commission of South Carolina ("Commission") authorized South Carolina Electric & Gas Company ("SCE&G" or "Company") to sell approximately 43.5 acres of real property near the intersection of Highway 6 and 60 in the vicinity of Irmo, South Carolina ("Village Tract") to Johnson Development Associates, Inc. ("Johnson Development"). SCE&G and Johnson Development (under the contract name Lake Murray Village Tract, LLC) have executed an Agreement of Sale and Purchase regarding the Village Tract ("Agreement").

It is the Company's understanding that Johnson Development intends to develop the Village Tract as a mixed use residential and commercial community. As part of its planned use for the Village Tract and to comply with South Carolina law and Lexington County land-use regulations, Johnson Development must construct a storm water treatment and detention pond ("Detention Pond") which will collect rain runoff from the higher elevated areas of the property. The purpose of the Detention Pond is to allow pollutants and other particulate material resulting from the runoff to settle out of the water and dissolve through biological processes. At the time Johnson Development executed the Agreement, it believed that a 0.09 acre detention pond would be sufficient to collect the rain runoff.

As part of the Agreement and prior to closing the real estate transaction with SCE&G, Johnson Development had the right to inspect the Village Tract to determine whether the property was suitable for Johnson Development's intended use. During inspection, Johnson Development determined that a larger detention pond would be required. More specifically, a 1.55 acre detention pond was necessary. Based upon Johnson Development's intended use of the Village Tract, there is not sufficient acreage at the property to construct the necessary 1.55 acre detention pond.

SCE&G owns a tract of land adjacent to the Village Tract ("SCE&G Tract"). The SCE&G Tract consists of approximately 25 acres and is currently classified as utility property.

(Continued . . .)

SCE&G has no future plans or use for the SCE&G Tract. Attached to this letter as Exhibit A is map depicting the Village Tract and the SCE&G Tract. The Village Tract is outlined in red and the SCE&G Tract is outlined in green.

In its discussions with Johnson Development concerning the need for a larger detention pond, SCE&G advised Johnson Development of the SCE&G Tract and stated that the Company would be willing to transfer approximately 1.55 acres of the SCE&G Tract to Johnson Development to construct the necessary detention pond in exchange for sufficient compensation. In order to effectuate this transaction, however, SCE&G would need to subdivide the SCE&G Tract. The Company has not conducted a formal appraisal of the SCE&G Tract but believes that if subdivided, the 1.55 acre tract would have a fair market value of approximately \$40,000. The 1.55 acre tract is outlined in yellow on Exhibit A.

During its discussions concerning the SCE&G Tract, Johnson Development informed the Company that as it begins to develop the Village Tract, it will generate a substantial quantity of fill material in the rough grading of the property. The Company is desirous of obtaining this fill material because it can be used to create an earthen, exterior shell for a nearby ash pile adjacent to an existing hydroelectric generating facility, Saluda Hydro. In exchange for the 1.55 acres, including necessary easements to construct, maintain and access the detention pond and its associated facilities, Johnson Development has agreed to provide fill material to SCE&G of not less than 40,000 cubic yards and not more than 100,000 cubic yards loaded at the Village Tract for transportation by SCE&G to its nearby ash pile. If SCE&G were required to purchase this same quantity of fill material, which it will need to do if this transaction does not occur, the cost would be approximately \$3.75 to \$4.00 per cubic yard or a minimum of \$150,000 to a maximum of \$400,000. Of course Johnson Development would benefit from this transaction by ridding itself of the unnecessary fill material on the site. Therefore, it is more cost effective to transfer the 1.55 acre tract to Johnson Development in exchange for fill material generated at the Village Tract rather than receive a direct payment of \$40,000 from Johnson Development and then purchase the necessary fill material from another supplier at the anticipated costs described above.

By Order No. 92-931 ("Order"), dated November 13, 1992, issued in Docket No. 92-931, the Commission approved certain recommendations and reporting requirements regarding real property owned by SCE&G. Among the recommendations and reporting requirements related to real property the Order states, "[b]efore a tract of land is sub-divided into parcels that have market values of less than \$150,000, the Company must file such proposed partitioning with the Commission for review. If the Commission deems any further action necessary, such action will be taken." [Appendix A to Order, p.21]. In compliance with the Order, this letter serves as notification to the Commission of a proposed subdivision of real property owned by SCE&G.

SCE&G respectfully requests that the Commission review the proposed partitioning of the SCE&G Tract as shown on Exhibit A and approve the proposed subdivision of the property without notice or hearing.

(Continued . . .)

The Honorable Charles Terreni

January 30, 2009

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By copy of this letter, we are also notifying counsel for the South Carolina Office of Regulatory Staff of the proposed partitioning of the SCE&G Tract.

Very truly yours,

A handwritten signature in black ink, appearing to read "K. Chad Burgess", with a stylized, cursive script.

K. Chad Burgess

KCB/kms

Enclosure

cc: Shannon Bowyer Hudson, Esquire  
(via hand delivery w/enclosure)